

**TOWN OF DAVIE  
REGULAR MEETING  
APRIL 7, 2005  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Hubert and Councilmembers Crowley, Paul and Starkey. Also present were Interim Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Truex advised of the rules for the Open Public Meeting.

Arthur Joseph congratulated Vice-Mayor Hubert on her new appointment. Mr. Joseph spoke about Broward County's recent hearing on the airport expansion issue. He felt some airport expansion was needed and stated that the growing population created more traffic delays for travelers at the Fort Lauderdale Airport. Mr. Joseph spoke of noise from local institutions in his neighborhood which he felt was as intrusive as the noise from planes. He discussed traffic conditions at Bonaventure Church which he wanted the Town to address, as well as the recent changes in Comcast service, which he felt left a lot to be desired. Mr. Joseph requested a police presence to handle problems with ATV's on 26th Street and at the south side of Western High School.

John Ladue, 2961 SW 111 Terrace, distributed photographs of the rear of his property showing the berm and walk path which he felt compromised his privacy. He complained that there was no flat stop, or breakdown lane, at the end of Hiatus Road and requested that these problems be addressed. Mr. Ladue asked that the easement on the 26th Street side be addressed for the privacy of residents.

Barbara Tilley, 1941 SW 87 Avenue, thanked Public Works/Capital Projects Director Bruce Bernard and his staff for asphalt patches in her area and requested that the patches be connected from Berkeley Drive to 16th Street. Ms. Tilley advised that she had recently spoken with Sunrise's lawyers with Councilmember Crowley indicating that the attorneys were moving forward on this issue. Ms. Tilley spoke of the lawsuit concerning the 18th Street median strip and requested that the residents of this area be protected by the Town Attorney's Office as they had no legal representation. Mr. Kiar advised that his office only represented the Town. Mayor Truex requested that Mr. Kiar and Councilmember Crowley keep Council updated on this lawsuit.

Frank Pecorao, 13501 SW 29 Street, complained about problems with Waste Management's service. Mayor Truex advised that this topic would be discussed later during the meeting.

Melanie Singer, 7721 NW 42 Street, stated that she almost had physical fights with Waste Management regarding their service. She spoke of the frequency of accidents and fatalities, and drag racing problems on Stirling Road between University Drive and 78th Avenue. Councilmember Starkey requested that Mr. Kovanes look into this issue and have the engineer check the timing of the lights. Councilmember Crowley stated that there were no lights for a long stretch between Davie Road and University Drive, which people used as a reason to speed. Councilmember Starkey indicated that she had spoken with Cooper City Mayor Eisinger who advised that along with the new development, additional lights were proposed for the area on Stirling Road and Sheridan Street. Ms. Singer asked about the purpose of the traffic light at Orange Drive immediately before the Turnpike.

Mr. Ladue thanked the Town for the Easter event.

Scott Spages, 3144 Peachtree Circle, was pleased that Mayor Truex was running for re-election and commended his work for the Town. Mr. Spages announced that April 9th was the Davie Family Bike

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Ride. He stated that he was recently contacted for a phone survey regarding the proposed open space bond referendum and asked that the public carefully consider the questions on the survey, which he felt was “a push poll, designed to figure out how to get him to say yes to certain questions.” Mr. Spages felt the Town’s open space and trail system was second to none and had been successfully maintained all along by the Town. He was disturbed about the phone survey and pointed out that the caller did not have a good enough command of English to clearly answer questions. Mr. Spages felt money was wasted on the survey and the results would likely be worthless.

Fred Segal advised that the Equine Best Management Practices document was completed and provided copies of the brochure. Councilmember Starkey had spoken to Mr. Jackson and the Commission at the South Florida Water Management District and had ordered a case of the brochures. She requested that Mr. Kovanes mail brochures to individuals who used the horse shelter during storms and to residents who had participated in the recent survey.

Councilmember Paul indicated that she had spoken with some people at South Florida Water Management District and advised that the Town would be willing to make the brochures available in the reception area, at the various advisory board meetings, and through the South Florida Trail Riders.

Dean Alexander, 13820 SW 16 Street, referred to past discussions regarding traffic problems at the 136th Avenue exit off I-595, where impatient drivers raced down the shoulder to turn, instead of waiting for the light to change. He advised that a new lane was being added along with new concrete curbing to make the area safer.

Larry Corey, 3221 SW 117 Avenue, spoke of problems with Waste Management for residents in his community who had large vegetative debris to be collected. He felt some adjustment had to be made to accommodate residents with larger properties. Vice-Mayor Hubert asked Mr. Corey what he previously did with his debris. Mr. Corey advised that he tied up the waste in a bundle and left it on the side of the road, for bulk pickup once every two months. Mayor Truex advised this issue would be discussed later in the meeting.

Doris Monier congratulated the Town for receiving the FCT grant for improvements on the Sunny Lake site. She was pleased with the Town regarding its efforts to help Davie residents with the airport expansion issue. Ms. Monier agreed with other residents regarding the Waste Management issue and requested a change so residents could put out bundles twice a week.

Donna Evans, representing the Police Athletic League (PAL), announced the first annual golf tournament to be held on May 13th at Raintree Country Club. She asked for Council’s help and requested sponsors from the community. Mayor Truex suggested that Ms. Evans make a presentation at the next Council meeting.

Norm Blanco, representing PAL, spoke of a recent fundraiser held by Miramar Mayor Lori Moseley, where \$46,000 was raised for Miramar’s PAL. He requested that Councilmember Starkey organize a similar event for Davie. Mr. Blanco spoke of the recent Golden Glove boxing bouts which brought out many residents. Councilmember Starkey commended Mr. Blanco on his fundraising work.

Lloyd Phillips, 14020 SW 29 Court, spoke of assistance he had requested since 2003 regarding the actions of his neighbor which negatively affected his child’s welfare. He felt Council was doing nothing to help him with these concerns.

Mayor Truex advised that item 6.2 needed to be tabled to April 20, 2005.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

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Mayor Truex advised that item 6.3 needed to be tabled to April 20, 2005.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table to April 20, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 4.24 needed to be added to the agenda.

Councilmember Starkey asked if this item was time-sensitive. Mr. Kovanes stated that this was time sensitive in terms of retaining these dollars within the Town before they went to the County fund being created for traffic concurrency.

Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 8.2, 8.3, 8.4 and 8.5 needed to be added to the agenda.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 9.1, 8.2, and 8.3 would be discussed out of order.

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 4.1. January 19, 2005 (Regular Meeting) (tabled from March 16, 2005)
- 4.2. February 16, 2005 (Regular Meeting)
- 4.3. February 22, 2005 (Workshop Meeting)
- 4.4. March 2, 2005 (Regular Meeting)

*Proclamation*

- 4.5. Adult and Senior Recreation Volunteer Recognition Day (April 22, 2005)

*Home Occupational Licenses*

- 4.6. A1 Zitro, Inc., 6821 SW 56 Court
- 4.7. Traveling Tans, Inc., 2323 SW 132 Way

*Resolutions*

- 4.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL  
R-2005-89 BIDDING AND ACCEPTING THE BID FROM AXIS FIRE SUPPLY, INC. AS A  
SINGLE SOURCE SUPPLIER FOR THERMAL IMAGING PRODUCTS. (\$29,400)
- 4.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2005-90 BID FROM FISCHER SCIENTIFIC COMPANY LLC TO UPGRADE SELF  
CONTAINED BREATHING APPARATUS (SCBA) AND ASSOCIATED  
EQUIPMENT VIA STATE OF FLORIDA BID NO. 490-000-03-1. (\$108,021.45)
- 4.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2005-91 BID AWARDED BY HILLSBOROUGH COUNTY FOR ONE TECHNICAL RESCUE  
VEHICLE WITH ASSOCIATED EQUIPMENT, BID NO. BPCW02000033. (\$448,500)

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- 4.11. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2005-92 BID FOR JANITORIAL SERVICES FOR VARIOUS TOWN HALL BUILDINGS.  
(Class Act Cleaning LLC. - \$35,805)
- 4.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2005-93 BID FOR A VACUUM CLEANING TRUCK. (Southern Sewer Equipment Sales -  
\$229,988)
- 4.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2005-94 BID FOR CONSTRUCTION OF THE PUBLIC WORKS/FIRE ADMINISTRATION  
BUILDING AND THE PUBLIC WORKS STORAGE BUILDING. (Double E  
Contracting, Inc. - \$2,457,887)
- 4.14. **LEGISLATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-95 URGING THE LEGISLATURE TO VOTE AGAINST HB 1521 AND SB 2060, IN  
THAT THIS LEGISLATION WOULD AMEND PART III, CHAPTER 163, FLORIDA  
STATUTES, WITH THE EFFECT OF SEVERELY REDUCING THE ABILITY OF  
COMMUNITY REDEVELOPMENT AGENCIES TO ACCOMPLISH THEIR  
STATUTORY REDEVELOPMENT TASKS; AND PROVIDING FOR AN  
EFFECTIVE DATE.
- 4.15. **COMMERCIAL LOAN SUBSIDY PROGRAM** - A RESOLUTION OF THE TOWN  
R-2005-96 OF DAVIE, FLORIDA, RATIFYING STERLING BANK AS A LENDER AND  
PARTICIPANT IN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S  
COMMERCIAL LOAN SUBSIDY PROGRAM; AND PROVIDING FOR AN  
EFFECTIVE DATE.
- 4.16. **LOGO** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE  
R-2005-97 TOWN OF DAVIE'S OFFICIAL LOGO.
- 4.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE ADOPTING AND  
R-2005-98 AUTHORIZING THE INTERLOCAL AGREEMENT BETWEEN BROWARD  
COUNTY AND THE TOWN OF DAVIE FOR NATURESCAPE IRRIGATION  
SERVICE. (\$1,500/year plus .03¢ per capita in 2005 and .02¢ in 2006-2009)
- 4.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-99 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN  
PINE ISLAND BAY HOMEOWNERS ASSOCIATION, INC. AND THE TOWN OF  
DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 4.19. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-100 AUTHORIZING THE MAYOR TO ENTER INTO A PROPERTY LEASE  
AGREEMENT, BETWEEN THE WAGON WHEEL COFFEE ROASTER, INC. AND  
THE TOWN OF DAVIE, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

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- 4.20. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-101 ACCEPTING CERTAIN EASEMENTS FROM J.J.K. INTERNATIONAL, INC.,  
PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.
- 4.21. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA, APPROVING THE DELEGATION REQUEST DG 12-1-04 TO CHANGE  
THE RESTRICTIVE NOTE ON THE ICE PLAT; AND PROVIDING AN EFFECTIVE  
DATE. (DG 12-1-04, Flamingo Stor-All Ltd./Ruden, McClosky, et al, 12451 Orange  
Drive)
- 4.22. **JOB CLASSIFICATIONS** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2005-102 FLORIDA AUTHORIZING THE ESTABLISHMENT OF JOB CLASSIFICATION  
SPECIFICATIONS FOR, COLLEGE INTERN, HIGH SCHOOL INTERN, AND  
GRADUATE INTERN AND AUTHORIZING the MODIFICATION OF the JOB  
CLASSIFICATION SPECIFICATION FOR ADMINISTRATIVE AIDE; PROVIDING  
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from  
March 16, 2005)

*Quasi-Judicial Consent Agenda*

- 4.23. SP 6-13-04, Broward Schools Credit Union, 3000 SW 64 Avenue (B-1) (tabled from  
March 16, 2005) *Site Plan Committee recommended approval based on staff's comments  
and to cut back an additional two feet from the drive-thru overhang which is to be  
measured from the face of the column*

*Item to be added*

- 4.24. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE  
R-2005-103 MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT  
BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND LAKESIDE  
TOWN SHOPS, LTD., FOR THE INSTALLATION OF IMPROVEMENTS TO  
SATISFY TRAFFIC CONCURRENCY RELATING TO THE MEEKS FARMS PLAT;  
TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO  
SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 4-1-05,  
Lakeside Town Shops -Wolf Family Plat, generally located on the northeast of University  
Drive and Stirling Road)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

Councilmember Paul pulled items 4.19 and 4.21 from the Consent Agenda. Councilmember Crowley pulled item 4.13. Vice-Mayor Hubert pulled items 4.16 and 4.23. Mayor Truex pulled items 4.10 and 4.24.

Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to approve the Consent Agenda minus items 4.10, 4.13, 4.16, 4.19, 4.21, 4.23, and 4.24. In a voice vote, all voted in favor. (Motion carried 5-0)

4.10 Mayor Truex asked if the piggyback being used was from a 2001 contract. Procurement Manager Herb Hyman responded in the affirmative and indicated that this was a five-year contract. Mayor Truex asked if the Town was buying the exact piece of equipment indicated in the pricing structure. Mr. Hyman explained that there was a base unit with options to build the rest of the vehicle.

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Mayor Truex asked why Hillsborough County's contract was used as the piggyback. Mr. Hyman advised that Hillsborough County had requested this from the State and that "everybody was using its contract for fire apparatus." Mayor Truex asked if this was a cooperative bid. Mr. Hyman responded in the affirmative. Councilmember Starkey thanked staff for their efforts and stressed the importance of this life-saving equipment.

Attorney Andre Parke asked if the Town would use the same contract provided in the backup. Mr. Kiar voiced his concerns about the venue in the event of a lawsuit.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve subject to all the attorneys working out whatever language so it applied particularly to the Town. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 Councilmember Crowley advised that staff met with the residents and asked if the change orders would affect the appearance. Mr. Bernard responded in the negative and advised that the wall would be finished when construction began.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve.

Mayor Truex questioned the decision on the bid which Mr. Hyman explained. Mr. Hyman advised that staff had requested that the bidders consider value engineering in order to accommodate the Town's budget. He stated that Double E Contracting was the only bidder responsive to this request. Mayor Truex asked how staff worked with the bidder to get the price down. Mr. Bernard explained that this building was first intended to be another EOC center, but when plans changed, much of the upgrade costs were cut back. Mayor Truex asked if this was legal. Mr. Bernard pointed out that the Town tried to work better and cheaper with bidders on value engineering efforts for other projects.

Councilmember Crowley amended his motion, seconded by Councilmember Paul, to approve subject to the attorney's review on the process to make sure it was okay. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

4.16 Vice-Mayor Hubert voiced her opinion on the new logo design and thought the image of the horse would be smaller. Councilmember Starkey liked the braiding effect around the perimeter of the newspaper. Public Information Officer Braulio Rosa advised that this design was technically not the Town's official logo but was at one time used for pins given at award ceremonies. He advised that the real logo had no border or braiding around it. Councilmember Starkey liked the roping effect around the newspaper and was concerned that "Town of Davie" would copy well. Mr. Rosa advised there was a sharp black and white version that would copy well.

Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.19 Councilmember Paul voiced her support of this project and introduced J.C. Nadeu.

Mr. Nadeu spoke of the planned partnership between the Town and Wagon Wheel, which would be located in Davie. He advised that this plantation would be the first coffee plantation in North America.

Mayor Truex asked how near the site would be to residents and whether anyone would object to the use. Councilmember Paul advised that Waverly Park was in between the site and the residents. Mayor Truex asked if the lease would terminate if the site ceased to be used as a coffee plantation. Councilmember Paul indicated in the affirmative. Mayor Truex added that the lease should not be transferable without the Town's consent. Councilmember Paul indicated that this was specified in the contract. Mayor Truex asked if the coffee plantation specifications could be spelled out better. Councilmember Paul asked about the amount of trees on the site. Mr. Nadeu advised that 600 trees would initially be planted and based on the acreage, up to 5,000 trees could be planted. Mayor Truex asked if

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any processing or retail sales would be done on site. Mr. Nadeu indicated that his company would lease a separate facility elsewhere for processing. Mayor Truex asked if there would be any offensive odors. Mr. Nadeu responded in the negative.

Councilmember Starkey wanted to ensure that best management practices concerning water quality were adhered to as this was in the C-11 basin. She commended Mr. Nadeu for treating the site organically and without pesticides. Councilmember Starkey wanted Mr. Nadeu to consult Council in the event he wanted to use any pesticides. Mr. Nadeu advised that the pesticides and fertilizers he used were all organic and indicated he would bring these to Council. Councilmember Starkey wanted to ensure the language in the contract encompassed these terms. Mr. Nadeu advised that consulting with an agronomist was the best way to try to grow foods organically. He stated that his company was committed to growing coffee organically.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve based on the assurances in the contract. Mr. Kiar stated that the assurances were 1) no offensive odors; 2) if operations cease for six months, the contract can be terminated, 3) utilize best management practices; and 4) use 100% organic pesticides and fertilizers. In a voice vote, all voted in favor. (Motion carried 5-0)

Fred Segal announced that a press conference with the Commissioner of Agriculture, Charles Bronson, would be held on April 26th to officially announce the first commercial coffee plantation in the United States. Mr. Segal advised that this would be a major media event and stated that his and Mr. Nadeu's offices had been flooded with calls from media nationwide. Councilmember Starkey asked that Mr. Segal coordinate this event with staff so Councilmembers could be present.

4.21 Councilmember Paul voiced her concern that the applicant wanted to redevelop the site for possible commercial use sometime in the future and felt this action was premature.

Scott Backman, representing the applicant, explained the history of the plat and indicated that the applicant wanted to divide it into different parcels, to avoid continuous disputes with surrounding property owners. With regard to the mini-storage facility, he indicated the number of trips to the facility amounted to only 24 in peak hours, leaving approximately 29,000 square feet of commercial use. Mr. Backman indicated that the applicant wished to preserve his development rights for the future.

Councilmember Paul asked Mr. Backman why he was concerned at this time about some future redevelopment of the site. Mr. Backman stated the applicant was concerned about protecting his future development rights. He added that there was not much the applicant could currently do with the 29,000 square feet of property. Councilmember Paul voiced her concern about voting on something that would give Mr. Backman "a blank page to develop the property further." She felt the time to do this was in the future, when Mr. Backman had an actual plan in place. Mr. Backman pointed out that the applicant had lost the development rights purchased at the time because of the wording of the plat at the time was restricted.

Councilmember Crowley asked how this would affect existing vacant parcels regarding development. Town Engineer Larry Peters stated that there would be no impact on the parcels. Councilmember Crowley asked how the annexation agreement would be affected and indicated that he had some concerns as the owner from the whole site was not being heard from. Mr. Backman advised that the owner had sold off several parcels and there were approximately eight different owners.

Vice-Mayor Hubert asked if this was the applicant's land right use. Councilmember Starkey responded in the negative and explained that the applicant waived this use when he developed the property. She stated that the applicant was now asking to go back and preserve it for something that he might develop in the future. Vice-Mayor Hubert felt the applicant had paid for a larger number of trips

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than he developed and should be entitled to his request. Mr. Backman advised that the applicant paid for 100,000 square feet of commercial use, or the equivalent of trips, but that this site had not been built out.

Councilmember Paul disagreed with Vice-Mayor Hubert. She felt the applicant should have to provide a conceptual plan of what project might be developed in the future, prior to Council granting this request.

Councilmember Starkey agreed with Councilmember Paul in wanting to see trip generations and impacts the development may have. She believed the applicant waived the land rights usage when he built the mini-warehouses. Councilmember Starkey voiced her dislike for mini-warehouses and encouraged the applicant to build something better in the future. She spoke of the past administrative dissension that had prompted the decision to have vested rights decisions come before Council and the Town Attorney for determination. Mr. Kiar advised that this provision had been revised as a result of this same issue.

Mr. Backman agreed with Vice-Mayor Hubert's position.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-1)

4.23 Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney summarized the staff report and the results of the traffic study.

Michael Wood, representing the applicant, indicated that if a stacking or ingress/egress issue presented itself, the applicant would definitely meet with staff to address this. He stated that, pursuant to Vice-Mayor Hubert's suggestion, they would speak to the Everglades Mobile Homeowners Association meeting to be held on May 3rd.

Councilmember Starkey asked if the applicant would be willing to post a bond to secure the performance in the event modifications were necessary.

Joseph Oliveri, architect for the project, felt the right-of-way issues raised were either the Town's issue or a conjunctive issue. Mr. Wood felt it was a conjunctive issue. Mayor Truex referred to Mr. Kutney's observation that a third stacking lane might be needed within a year and this would have substantial costs. Mayor Truex suggested that the applicant put forth a good faith bond in the amount of \$10,000. The applicant's representatives agreed. Mr. Oliveri stated that the road was wide enough now to be striped for three lanes.

Vice-Mayor Hubert asked if the three lanes could be striped in the beginning to avoid doing this later on if the need arose. Mr. Peters felt modifications were not necessary at this point. Mr. Kutney agreed with Mr. Peters and indicated the recommendation was only being made to ease Council's comfort on the chance that modifications were needed in the future.

Councilmember Crowley asked Mr. Peters what he considered a fair amount for a bond. Mr. Peters responded \$20,000. The representatives for the applicant agreed to the \$20,000 good faith bond. Councilmember Starkey apologized for the delays caused by her previous concerns about stacking and thanked the applicants for agreeing to the bond.

Vice-Mayor Hubert asked if the applicant could limit the truck activity during the "earthwork" phase of construction in periods of heavy traffic.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Hubert advised that she had met with the applicants several times and spoken with Mr. Wood on the phone, along with other homeowners.

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Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve “subject to the \$20,000 bond, the hours would be limited when they do their earthwork, and add that the motion to approve be “subject to the concurrences of staff regarding a study after one year.”

Mr. Wood asked for a stipulation that the bond would be refundable after one year. Mr. Kiar advised that the study would be done after one year, at which point staff would make a determination on modifications. Council restricted trucks from 7:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. during the earthwork phase of construction. Mr. Wood wanted to clarify that the year started on the date of the Certificate of Occupancy. Council responded in the affirmative.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.24 Mr. Kutney summarized the staff report and advised that some traffic concurrency improvements would be made based on the county and the applicant working together. He stated that the improvements included “the installation of video detection equipment at the intersections of Davie Road and Stirling Road and University Drive and Pasadena Boulevard, in the amount of \$50,000, with a portion of the shared cost of the project for improvements to the intersection at Stirling Road and University Drive in the amount of \$74,520.” Mr. Kutney stated that this was a standard three-party agreement and advised there was a time crunch issue, as the Town might lose these improvements.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

## 6. PUBLIC HEARING

*Ordinance - First Reading (Second and Final Reading to be held April 20, 2005)*

- 6.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-9; DELETING SECTION 2-73(e) OF THE DAVIE CODE OF ORDINANCES ENTITLED, “DAVIE COMMUNITY RELATIONS ADVISORY BOARD”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the April 20, 2005 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mayor Truex asked if the Community Relations Advisory Board was being eliminated. Councilmember Starkey advised that the board eliminated themselves due to lack of participation and purpose. She asked Assistant Town Clerk Barbara McDaniel to comment on this matter. Assistant Town Clerk McDaniel advised that the last Board meeting was held in August, 2004, and that no issues were presented to be resolved. She advised that the Board initially created a hotline for people to call, which resulted in many problems being resolved without the Board’s involvement.

Councilmember Starkey felt the online “Talk to Us” link on the Town’s website served a similar purpose that was originally intended for this Board. She had attended the Florida League of Cities meeting on “How to Make the Best Use of Advisory Boards” and she could understand it if a Board chose to terminate due to lack of purpose of activity.

Councilmember Crowley wanted input from other members who were not present at the meeting before taking any action. Mayor Truex indicated he had received complaints about different things and felt it was better to acknowledge the recommendation to eliminate the Board.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - no; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-1)

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*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held April 20, 2005)*

- 6.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-1-04 REGENCY SQUARE, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: PUD (BROWARD COUNTY); TO: B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-1-04 Regency Square, Regency Square at Broward Joint Venture/C. William Laystrom Jr., 4900 SW 148 Avenue) (tabled from March 2, 2005) *Planning and Zoning Board recommended approval subject to the condition of an eight-foot wall as requested by the residents and that the developer look at some kind of added landscaping*

This item was tabled earlier in the meeting.

*Quasi-Judicial Item*

- 6.3. V 2-1-05, Ebanks, 13101 SW 16 Court (A-1) (reduce the minimum side setback from 35 feet to 25 feet for a residential addition) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

**7. APPOINTMENTS**

- 7.1. Child Safety Board (one exclusive appointment - Mayor Truex; term expires April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.2. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

Mayor Truex appointed Jeff Dudley.

- 7.3. School Advisory Board (one exclusive appointment - Councilmember Paul; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 7.4. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.5. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

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#### **8. OLD BUSINESS**

##### **8.1. Name the Park Contest**

Parks and Recreation Director Dennis Andresky, advised that the Open Space Advisory Committee had selected three names for four parks and that the Parks and Recreation Advisory Board selected three names for other parks. Council offered suggestions to the park names as follows:

- Silver Lakes Park. Councilmember Crowley and Mayor Truex suggested Silver Lakes-Rotary Park.
- 58th Avenue Park. Councilmember Crowley hoped for a bigger honor to Officer Curtis Mancini separate from the suggestion to name this park as a tribute to him.
- Sunny Lake Park. No suggestions were made.
- 71st Avenue Park. Council approved of the suggested names.
- Math Igler Park. No suggestions were made.
- Clark Parcel. No suggestions were made.
- Van Kirk Parcel. Councilmember Paul liked Oak Hill Nature Preserve. Councilmember Starkey liked the Davie Wetland Preserve.
- Falcon's Lea Park. No suggestions were made.

##### **8.2. Trust for Public Lands (TPL)**

Earlier in the meeting, Will Abbeger of the Trust for Public Lands, presented Council with a feasibility study on the Town's parks and open space trail system, which concluded that due to increasing property values and the disappearance of remaining open space, a bond was the best option. He objected to earlier comments by Mr. Spages regarding the telephone survey conducted and stated that the study was unbiased, objective and accurately reflected the residents' views. Mr. Abbeger advised that 72% of residents surveyed on the phone agreed to the \$25 million bond referendum for land conservation.

Mr. Abbeger indicated that TPL was drafting an ordinance recommending that Council place a \$25 million bond on the ballot, backed by a 38¢ mil property tax, to "protect natural areas from overdevelopment; preserve and improve wildlife habitat, parks; improve water quality of lakes and canals; complete the recreational trail system; seek matching funds; and have an annual public audit." He recommended that this measure be put before voters as early as possible, within 120 days.

Councilmember Crowley asked Mr. Abbeger why he recommended placing this on the ballot as soon as possible. Mr. Abbeger stated that land inventory in the community was disappearing quickly. Councilmember Crowley advised that the Town had an election scheduled for March 2006.

Councilmember Paul thanked Mr. Abbeger and TPL for their report. She spoke of longstanding historic areas in Davie and felt it was crushing to think that these areas might be lost. Councilmember Paul voiced her support to move forward with TPL's recommendations.

Councilmember Starkey agreed and spoke of the Town's aggressive pursuit of hundreds of acres over the past few years and indicated her wish to move forward with TPL's recommendations. She advised that she had received a broad range of feedback from residents in support of the bond.

Mayor Truex did not want to be a part of a "dishonest ad campaign." He felt the survey conducted was "a push poll" and indicated he did see the questions; however, an overwhelming majority of residents would still have agreed to the bond. Mayor Truex voiced his concern about the distribution of funds. He requested that there be some mechanism in the bond language that there would be a fairly even distribution of funds as there was open space in every district.

Vice-Mayor Hubert did not agree with the bond. She stated that the residents in her district could not afford any more taxes, especially senior citizens and those on fixed incomes.

Councilmember Crowley felt land and water was precious and he always supported conservation efforts; however, he still wanted to look at the options concerning timing and the mail-out ballots. He

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was in favor as this would put the issue in the hands of voters and wished to see the referendum language before it was sent out.

Councilmember Starkey felt the Town needed to educate the public on what exactly would be spent and that the tax rate was 38¢ per \$100,000. She agreed with Mayor Truex and Councilmember Crowley regarding certain areas and parcels that needed to be finished up or improved. Councilmember Paul indicated residents paid taxes based on the assessed value of their homes. She spoke of certain levels of protections for residents in lower income areas.

Mayor Truex asked if this would be handled as an ordinance with a first and second reading. Mr. Kiar responded in the affirmative. Mayor Truex wanted Council to direct Mr. Kiar to draw up an ordinance with language as far as allocation of the funds. He felt any public money spent should have the pros and cons described.

Mayor Truex asked Councilmember Crowley if he was amenable of the mail-in ballots. Councilmember Crowley responded that this depended on the costs. Town Clerk Muniz indicated that an estimate based on figures provided by the Supervisor of Elections was \$77,00 and indicated that a large percentage of costs was based on postage for 52,000 registered voters. Mayor Truex asked about the costs for a special election. Town Clerk Muniz indicated this was currently being estimated but stressed that the Town would incur all the costs including the Broward Sheriff's Office, staff time, programming, and poll workers. Mayor Truex asked if Council agreed with the language concerning distribution of funds and the pros and cons. Mr. Kovanes said directing Mr. Kiar was the first step and requested further consensus from Council to help staff plan the remaining steps in the process.

Councilmember Starkey reminded Council that TPL was also hired as consultants for the Town and looked forward to their recommendations once the Town received the information from the clerk's office.

Councilmember Paul made a motion that the Town move forward with the process, the first step being the drafting of language for the ordinance to bring back to Council for its review; once Council reviewed the wording, the ordinance would move forward with the two readings; that TPL assist the Town with the campaign; and that Council continue to move forward with the idea in mind that hopefully something would be done as soon as possible, based on the timing from the Town Clerk's Office.

Councilmember Starkey thought Council could not have an active role in a campaign to promote an issue. Mr. Abbegeer advised that the contract with the Town was to do the feasibility analysis and public opinion survey, then provide recommendations on designing a program. He advised that experience in other parts of the country using mail-in ballots increased turnout by about 5%-8%.

Councilmember Paul amended her motion to state that the TPL would promote. She revised her motion to say "educate" and not promote. Mayor Truex requested a summary of the motion.

Councilmember Paul summed up the motion to move forward, to draw up an ordinance for Council to review, and then move forward with the two readings and have TPL outline the division of the land as soon as possible, and based on whatever information was received from the Supervisor of Elections.

Councilmember Crowley seconded the motion. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-1)

#### **8.3. Waste Management**

Earlier in the meeting, Mayor Truex advised that he, Mr. Spadaccia and Mr. Kovanes had met to discuss this issue, and advised that Waste Management had submitted some options to address residents' complaints.

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Mr. Spadaccia advised of the following alternatives to the current waste collection service:

- Option 1: establish a special collection district with boundaries determined by mutual agreement, for which a pilot program could be instituted for a number months. In this district, bulk pick up would be done once per month with a 12 cubic yard maximum for each resident per collection. Bulk material would not be required to be tied, bundled or placed in a cart for collection. All bulk waste must be of such nature, size and composition to be collected by a standard clam truck. Logs and branches of lengths and diameters that could not be safely handled by a standard clam truck would not be collected. Contractor generated waste and exempt waste would not be collected. Mr. Spadaccia advised that this would not preclude residents from using their carts for items that could fit.

- Option 2: establish a town-wide monthly, bulk collection with a 12 cubic yard maximum for each resident. Bulk material would not be required to be tied, bundled or placed in a cart for collection; however, other restrictions, including hazardous material, would remain and the special collection district would not be affected. All bulk waste must be of such nature, size and composition to be collected by a clam truck and branches of lengths and diameters that could not be safely handled by a standard clam truck would be prohibited. As per the existing agreement, land-clearing debris had to be collected by the appropriate service.

Mayor Truex stated that he talked to many residents who liked this idea and asked about residents who had self-pruning trees. Mr. Spadaccia stated this would be picked up with the monthly bulk collection.

Councilmember Paul stated that numerous complaints were being made town-wide, therefore, she did not feel creating a special district would work. She felt that by going to once a month at 12 cubic yards, was a reduction in service based on the new contract. Councilmember Paul felt there was no clear picture for the residents and described various incidents where residents' legitimate bulk in bags were left uncollected. Councilmember Paul felt Mr. Spadaccia had offered a low bid for the contract for residential collection, while the cost for commercial collection remained high in comparison to the previous contract. She was receiving phone calls and pictures from residents who were upset because plastic bags with yard waste and large palm fronds were being dropped in rights-of-way, which cost the Town to pick it up. Councilmember Paul felt 12 cubic yards monthly was a reduction from the service presented in the contract, which stated 6 cubic yards weekly. Councilmember Paul felt this then came down to one's interpretation of what was considered "qualified". She stated that the contract did not state that Waste Management would not take plastic bags for bulk pickup. Councilmember Paul indicated that if the number of cubic yards could be increased on a monthly pickup, she might be more interested. She asked that a meeting be held with Waste Management and the residents to discuss what the residents would accept in the amount of bulk collected and if they would be in favor of the monthly pickup.

Mayor Truex felt Councilmember Paul was continuously looking for problems and he was looking for solutions. He stated there was never any contemplation in the contract for Waste Management to pick up lot clearing debris. Mayor Truex added that he was not 100% opposed to the public meeting, but wanted Council to work on getting a program in place to resolve these issues. He felt that 95% of the residents were happy with the new contract and the proposed options would resolve problems for 99% of the residents.

Vice-Mayor Hubert asked Councilmember Paul what service her district had prior to the new contract. Councilmember Paul indicated that there were two cubic yards picked up six times a year. She felt Waste Management created a level of expectation as they were picking everything up because they wanted the contract. Vice-Mayor Hubert questioned what more the residents wanted with 12 pickups per year.

Councilmember Starkey felt the current service was a better and more unified service. She recalled several years back when residents were allowed to call once or twice a year for special pickups,

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which helped residents who did a larger scale clean up; however, this service did not help those with bigger acreage. Councilmember Starkey suggested offering something similar on an as-needed basis once or twice a year for a nominal fee for those with many trees that were continuously pruned. She indicated that she was not fond of bulk pickup once a week for her district as there should be a defined time for this pickup.

An unidentified man indicated that he did not have a problem with bulk or recycling pickup but palm fronds use to be picked up twice a week, 104 times a year and you could put out 8 or 10 bundles which you now had to put into a bin. Mayor Truex questioned if residents would be satisfied with unbundled palm fronds could be put out once a month. The man said that he would prefer to bundle and he did not care if the fee went up for twice-a-month pickup of palm fronds. He felt the bulk pickup had to be made easier for residents or they would end up depositing them on the easements.

Councilmember Starkey stated that the old contract only allowed for five bags. She said that Council knew there would be extenuating circumstances and was in favor of tailoring the contract to accommodate the possibility of an additional pickup for an increased fee. Councilmember Starkey felt owners of larger properties should accept the responsibility for choosing to live with many large palm trees. The man indicated that some compromise was needed and suggested that the residents in District 1 should pay less than the residents in District 4.

The unidentified man felt that Councilmember Starkey was “totally off-base” and advised that he use to live in Hollywood where he had a monthly service which worked. He stated that Councilmember Starkey’s proposal to tax people more would not be popular in any area. The man said that he trimmed a hedge and he could not get rid of the waste. Mayor Truex asked the man how he felt about the monthly pickup. The man said that this would help the average individual.

Doris Monier voiced her concerns about pickup of palm fronds which were difficult to cut and fit into a cart. She said that the pickup for normal trash was excellent but the once a month pickup would result in a buildup of fronds sitting out on curbs which would be unsightly to most people. Ms. Monier indicated that she had left one Cypress branch which was not picked up. Mayor Truex advised that the driver does not get out of the truck and it appeared that the main problem was with palm fronds.

Mr. Spadaccia stated that tree cuttings could be placed in the cart and advised that Hollywood was limited under monthly collection. He indicated that Waste Management wanted to make everyone as happy as it could and the proposed options were reasonable Mr. Spadaccia said that the overall rate for most residents was as low as it could be for an adequate level of service and agreed that anyone could call for additional pickup or special service as needed.

Councilmember Crowley stated that the proposed options were reasonable and referred to Councilmember Paul’s earlier request for a meeting with Waste Management and the residents, which he felt should be honored. He felt Waste Management could come up with something even more reasonable. Councilmember Paul clarified that the meeting should be a neighborhood meeting not a Council workshop.

Councilmember Paul took exception to Mayor Truex’s earlier comments about her looking for problems. She indicated that she always tried to find a middle ground and added that she was only reporting the resident’s concerns. Councilmember Paul had spent an inordinate amount of time on this issue, which she never had to do before. She stated that she had a problem with a \$75 user fee for a small pile of debris. Councilmember Paul hoped that in the interim, Waste Management would pick up some more bulk, especially palm fronds that people could not easily cut.

Mr. Spadaccia stated that everyone had to live by the agreement and could not pick and choose parts of the agreement to honor. He pointed out that specifications in the contract stipulated the dollar amount for overages and he was trying to abide by the rules and regulations of the agreement. Councilmember Paul felt Waste Management was “trying to pull the wool over people’s eyes.”

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Mayor Truex stated that royal palms were bigger than four-inch diameter and stated that royal palm fronds should be picked up. Mr. Spadaccia stated that he would be willing to consider this and indicated that royal palms were a huge palm that deserved a different type of consideration.

Councilmember Paul stated that the problem needed to be solved because if not, it would be up to the collector to decide what qualified. Mr. Spadaccia voiced his willingness to come to a final resolution.

Councilmember Starkey spoke of the overwhelming response of residents in her district who complimented Waste Management and were happy about the new service. She acknowledged the complaints of other residents and hoped Council was not opening the door to having a few individuals guiding the future policies of Council that affected the entire Town.

Councilmember Paul hoped the meeting would be held as soon as possible. She acknowledged that the problems were mostly coming from the larger lots or properties that had mature trees.

Mayor Truex asked Mr. Spadaccia if he agreed to pick up royal palm fronds if there was more than a four inch base. Mr. Spadaccia said the royal palms were much larger than other palms, which was a reasonable item to consider for the bulk pickup. He indicated that he would not have a problem with picking up royal palm fronds on bulk pickup day. Mr. Spadaccia stated that bags of yard waste needed to be placed in the cart. Councilmember Paul asked Mr. Spadaccia to also include pickup of "incidental branches." Mr. Spadaccia stated incidental branches and brush that was mixed with legitimate bulk is to be picked up. Mayor Truex suggested that Mr. Spadaccia bring information to the meeting that explained how the clam shell worked.

Councilmember Paul spoke of the good faith payment submitted by Waste Management to cover the franchise fees it owed the Town. She asked Assistant Town Administrator Ken Cohen for an update on where the Town stood regarding the audit that was done. Councilmember Paul also asked about the status of the \$75,000 that the winning bidder was supposed to pay to cover the costs of the RFP. She requested an update on the waste generation study that was supposed to be done in the first year by the winning bidder.

Mr. Cohen explained that ERC had re-evaluated its position, which was close to Waste Management's figure. He advised that he would meet with them soon to determine the final number.

Regarding the waste management study, Mr. Cohen advised that staff was expecting all the bids back soon, and would make a recommendation by the second meeting in April or the first meeting in May. Councilmember Paul asked about the figure the auditors arrived at. Mr. Cohen indicated this was close to \$60,000.

Mr. Kovanes explained that ERC had refused to review the document provided by Mr. Spadaccia and Mr. Kovanes voiced his displeasure about this issue. Councilmember Paul asked why ERC did not want to review this documentation. Mr. Kovanes explained that the methodology used was based on what the Town should be receiving in franchise fees, however the language written in the agreement, regarding the firm that the contract was awarded to, paid the Town a percentage of the franchise fee. He stated that the audit did not correspond with the written terms of how the Town collected its franchise fees, which he felt made their audit invalid.

Councilmember Starkey asked if the Town was responsible for paying ERC if their services were not within the scope of what they were asked to audit. Mr. Parke stated that ERC's payment was determined on how much was recovered in lost franchise fees. He advised that ERC's justification was outlined in its correspondence to Mr. Kovanes, where the company stated that it would not be financially justifiable for them to go back and review the audit information. Mr. Parke believed that the contract did not specify the methodology to utilize but the Town asked ERC to do a "real, in fact audit."

Mr. Kovanes recommended that Mr. Spadaccia consider the option of covering the administrative costs. Mr. Spadaccia agreed to this and advised he still had the detailed report of every resident, every

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business for every dollar that was paid and every dollar that was received, as well as the dollars that were paid to the Town in franchise fees. He stated that his information was available to the auditor and they do not care or choose to go further with this information.

Councilmember Starkey indicated that she would be willing to go along with Mr. Kovanes' recommendation to accept the \$50,000 offered by Waste Management to resolve this issue. There were no objections from Council.

#### **8.4. Parks & Recreation Department Fees and Programs Workshop - April 28, 2005**

Mr. Andresky stated that a request had been made to hold the workshop after the current programs were over. He suggested alternate dates for the workshop.

Councilmember Starkey wanted users of the parks and recreation programs to have a say at this workshop. She felt it was important to have this meeting during the season for the convenience of residents who had strong opinions they wanted to air. Councilmember Paul advised that residents she heard from indicated they would attend if the meeting was held at a time when there were no games.

Councilmember Starkey, Councilmember Crowley and Vice-Mayor Hubert were in favor of the April 28th date. Mayor Truex indicated he would go along with the rest of Council.

#### **8.5. Central Broward East-West Transit Analysis Update**

Councilmember Paul explained that a vote would be taken at the Metropolitan Planning Organization meeting being held the following week on whether the Town would favor the bus or light rail transit. She explained that the vote specifically concerned the technology to be used for building the guideway. Councilmember Paul distributed documentation illustrating proposed transit routes. She had been told that if all the funding and land use fell in line, the earliest date for construction to begin would be 2012; however, she felt it would more realistically be 2015 to 2017. Councilmember Paul advised that Shenandoah, the university complex area, and the Pine Island area were all under consideration.

Councilmember Paul advised Council of recent discussions and policy changes being discussed, that called for land use changes in surrounding communities, in order to create higher densities around the station to improve ridership. She indicated that because of this, she was having second thoughts. Councilmember Paul was not in favor of any kind of light rail on the south side of I-595 as she felt this would be detrimental to the entire length of I-595 in Davie. She also felt that an express bus transit system would work as well as a light rail.

Councilmember Starkey asked if any kind of toll charge or other regional funding was considered. She disagreed with Councilmember Paul as she felt that buses added just as much to pollution as cars. Councilmember Starkey felt the light rail would help get people out of their cars and help students traveling to the college complex. She added that future planning for a more environmentally friendly system should be considered and indicated that a raised rail transport was far more efficient in some areas. Councilmember Starkey spoke of the very good job of landscaping at the University of Miami area that disguised the light rail system, which was aesthetically appealing. She felt consideration should be given to a phased-in effort, and where appropriate hide the light rail with landscaping overhead.

Councilmember Crowley was not in favor of this and felt elevated systems had a negative impact. He said that the University of Miami may have paid for landscaping for its portion, but the rest left a lot to be desired. Councilmember Crowley stated that buses were fine and voiced his opposition once "it" got beyond University Drive.

Councilmember Paul stated that the proposed bus systems would be environmentally friendly. She stated that a decision had to be made if the Town was interested in a bus rapid transit or light rail transit. Councilmember Paul discussed the structures that had to be built with a rail system and felt the costs in 2015 would be astronomical. She stated one reason it was not being looked at in stages was

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because of the nature funding by the federal government as a new start program. Mayor Truex stated he was not in favor of an elevated system that went through the center.

Councilmember Paul advised that a consensus was needed on whether the guideway should be exclusively elevated, semi-exclusive at grade or mixed traffic which was shared or exclusive.

Councilmember Starkey pointed out that the documentation suggested noise abatement but nothing was specifically presented to address. Councilmember Paul had questioned this and was advised that the numbers included the cost of the sound walls. Councilmember Starkey stated that without a consensus from Sunrise, Plantation and Davie, the alternatives to the east should be looked at. She felt that as long as the burden was not on Davie, the Town should look at these options as they could benefit the Town because of the regional activity center in Downtown Davie that Council wanted.

Councilmember Paul summarized Council's positions: Councilmember Starkey wanted light rail, a user toll and phased-in stages of construction; Councilmember Crowley wanted elevated light rail up to University Drive; Mayor Truex wanted light rail only in the center; and Vice-Mayor Hubert did not agree with either system.

## **9. NEW BUSINESS**

### **9.1. EITC Program (Councilmember Starkey)**

Earlier in the meeting, Councilmember Starkey spoke of her and Housing Director Shirley Taylor-Prakelt's involvement on the South Regional United Way Advisory Board. Councilmember Starkey explained that they had partnered with Children's Service Council, the United Way and the Town in promoting the Earned Income Tax Credit (EITC) program.

Councilmember Starkey gave a brief PowerPoint presentation on why Davie supported the EITC program. She spoke of the Potter Park, Palma Nova, Driftwood Park, Orange Park and mobile home communities, where families who earned lower incomes might qualify for the EITC tax advantage. Councilmember Starkey explained the Town's efforts in promoting the EITC programs to residents and staff. She advised that in 2003, 12,000 Davie families filed for EITC resulting in \$21 million being returned to those who needed it the most. Ms. Taylor-Prakelt stressed the importance of this program and encouraged residents to take advantage of it.

## **10. MAYOR/COUNCILMEMBER'S COMMENTS**

### **VICE-MAYOR HUBERT**

**CONDOLENCES.** Vice-Mayor Hubert offered condolences to Budget and Finance Director William Underwood.

### **COUNCILMEMBER CROWLEY**

**PENSION WORKSHOP.** Councilmember Crowley spoke of the workshop scheduled for April 19th. Mr. Kovanes advised that employees would be notified.

**OLD DAVIE SCHOOL FUNDING.** Councilmember Crowley asked about the status of the capital projects regarding funding for the Old Davie School. Mr. Kovanes advised that Mr. Cohen and Mr. Underwood were working on presenting this at the next agenda.

**EVERGLADES BEST MANAGEMENT PRACTICES.** Councilmember Crowley asked about the status of the Everglades Best Management Practices document. Mr. Kovanes advised he had spoken with Urban Forester Mike Orfanedes. Mr. Kutney indicated that Mr. Orfanedes was awaiting comments from one advisory board, but the document was completed. Councilmember Starkey asked that Council be provided with the document prior to the item being agendized.

**TOWN ADMINISTRATOR.** Councilmember Crowley wanted to reconsider his position on the selection of the consultant for the hiring of the Town Administrator and asked that this be placed on the

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next agenda. He stated that the majority of employees supported Mr. Kovanes as did the administrators and managers from the surrounding community.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to reconsider the vote. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

Town Clerk Muniz indicated that a motion to table was required.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to the next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

### **COUNCILMEMBER STARKEY**

**POPE JOHN PAUL.** Councilmember Starkey asked for a moment of silence in memory of Pope John Paul's remarkable peaceful leadership around the world.

**JEWISH FEDERATION.** Councilmember Starkey congratulated the Jewish Federation for their Super Sunday for once again achieving \$400,000 and thanked the David Posnack Center for the great activities they provided the Town's youth and seniors.

**TRAFFIC ANALYSIS.** Councilmember Starkey asked that a traffic analysis be conducted on the impact that Waldrop Dairy would have on the Town's roads. She requested that this be placed on the agenda for the next meeting as she felt Davie needed to recognize the impacts to municipal roads.

**TRAFFIC LIGHTS.** Councilmember Starkey suggested that favorable consideration be given to a traffic light on Alpine Wood Road at Pine Island Road in front of the Reflections development, where it was impossible for individuals to get out of the intersection. She requested that there be a flashing school zone light around Silver Ridge Elementary School, along with a speed indicator because it was impossible for children to cross that area safely. Councilmember Starkey indicated that area homeowners had voiced this concern repeatedly for the past few years. She requested that these impacts be addressed in the resolution being considered for the area. Councilmember Starkey stated that Alpine Wood was requesting markers at the 41st Street area.

**GOLF TOURNAMENT.** Councilmember Starkey spoke of the upcoming Guns and Hoses Golf Tournament to be held on May 31st and advised that more sponsors were needed.

### **COUNCILMEMBER PAUL**

**SOUTHWEST RANCHES.** Councilmember Paul spoke of a resolution supporting the Calusa Corners acquisition by Southwest Ranches and advised that Southwest Ranches had closed on the property, bringing in nice areas of parkland for the residents to enjoy.

**UPDATE.** Councilmember Paul requested that Mr. Kovanes keep her updated about the Sunrise easement and tree plantings issue.

**HORSE CROSSINGS.** Councilmember Paul stated that the location for the horse crossings and the timeline had to be addressed.

**LEAGUE OF CITIES ALTERNATE.** Councilmember Paul spoke of her designation as an alternate for next year and stated that Councilmember Crowley had indicated his desire to be named the alternate. Councilmember Starkey stated the Board of Directors voted on this earlier that day and explained that Councilmember Paul needed to formally write a letter indicating she was no longer interested in serving. Councilmember Starkey advised that Councilmember Crowley also needed to formally write a letter indicating his interest in serving. Mayor Truex asked that staff prepare the letter.

**BUDGET PROCESS.** Councilmember Paul spoke of the need to move forward with the budget process while Mr. Underwood was away. Mr. Kovanes advised that he had spoken with Mr. Underwood earlier and assured Council that staff was on board to assist with the budget process in Mr. Underwood's absence.

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**MAYOR TRUEX**

**ORDINANCE.** Mayor Truex requested that Mr. Kiar draft an ordinance regarding the tabling of items.

**11. TOWN ADMINISTRATOR'S COMMENTS**

**GRANTS.** Mr. Kovanes advised Council that he had received notice indicating the Town would receive the FCT grant funding before September. He added that the FRDAP grant ranked as one of the highest and the Town would be funded.

**CRA LEGISLATION.** Mr. Kovanes spoke of the CRA legislation provision indicating that Broward County was a Charter County and the legislation would not apply.

**STATE ROAD 7 CHARRETTE.** Mr. Kutney advised that staff wanted to ascertain a potential date in April to schedule another workshop on the Charrette. Councilmember Paul felt this was an important issue to be accommodated.

**FERNCREST UTILITIES.** Councilmember Crowley requested that a discussion on Ferncrest Utilities to be placed on the Agenda as New Business at the next meeting.

**12. TOWN ATTORNEY'S COMMENTS**

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 12:21 a.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk

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